

Illinois Reprieve Power

The Illinois Constitution vests the governor with authority to "grant reprieves, commutations and pardons, after conviction, for all offenses on such terms as he thinks proper. The manner of applying therefore may be regulated by law." That language implies that a reprieve can be granted any time after conviction, whether before or after sentencing. *See also People ex rel. Madigan v. Snyder*, 804 N.E.2d 546, 558 (Ill. 2004) ("the Governor can grant a reprieve for any sentence imposed...").

Madigan v. Snyder (a) establishes that the governor's clemency power is "extremely broad" and (b) mitigates concerns that the legislature's ability to "regulate" the "manner of applying" for clemency could interfere with the governor's authority to grant clemency. The fact that some people did not consent to their own clemency petitions (contradicting the statutory application process) did not prevent the governor from granting clemency; holding otherwise would allow the legislature to interfere impermissibly with the governor's clemency power.

Further, the statute regulating the clemency application process states that "Nothing in this Section shall be construed to limit the power of the Governor under the constitution to grant a reprieve, commutation of sentence, or pardon." 730 Ill. Comp. Stat. Ann. 5/3-3-13(e).